

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.
---

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JESUS CHAVEZ,

Defendant and Appellant.

B289927

(Los Angeles County  
Super. Ct. No. NA108799)

APPEAL from a judgment of the Superior Court of Los Angeles County, Tomson T. Ong, Judge. Affirmed.

Gloria C. Cohen, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

In March 2018, the District Attorney for the County of Los Angeles filed a felony complaint against defendant and appellant Jesus Chavez (defendant) charging him with unlawful possession of ammunition in violation of Penal Code section 30305(a)(1). According to a report prepared by the probation office, the charge was filed after law enforcement officers conducting a probation compliance check at defendant's residence found him in possession of 44 rounds of ammunition, which he was prohibited from having as a result of his prior conviction for carrying a loaded firearm in a public place.

At a later post-arraignment hearing, defendant pled guilty to the charge pursuant to an agreement with the People. Under the terms of that agreement, defendant would serve three years' felony probation, and if defendant complied with all of his probationary terms and conditions, the People would not object to the trial court reducing the offense to a misdemeanor. In taking defendant's plea, the trial court obtained a "*Cruz* waiver" from defendant, which would free the court from being bound by the plea bargain if defendant failed to appear on the date set for sentencing. (*People v. Puente* (2008) 165 Cal.App.4th 1143, 1151-52; see also *People v. Cruz* (1988) 44 Cal.3d 1247, 1253.)

Defendant thereafter failed to appear on the date set for sentencing. At a later court hearing where defendant *was* present, his attorney explained defendant missed the sentencing hearing because he was "sleep deprived" from working multiple shifts and "flat out forgot about the court date." The trial court found there was no good cause for defendant's failure to appear and, exercising its prerogative pursuant to the *Cruz* waiver, sentenced defendant to the low term of 16 months in county jail.

On appeal, this court appointed counsel to represent defendant. After examining the record, counsel filed an opening brief raising no issues. On September 27, 2018, this court advised defendant via letter (copied to appointed counsel) that he had 30 days to personally submit any contentions or issues he wished us to consider. We received no response.

We have examined the appellate record and are satisfied defendant's attorney has complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-82; *People v. Kelly* (2006) 40 Cal.4th 106, 122-24; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

BAKER, Acting P. J.

We concur:

MOOR, J.

SEIGLE, J.\*

---

\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.